



February 5, 2025

Kashonda Day  
Attorney for Louisville Municipal School District  
Adams and Reese LLP

**Re: DRMS investigation of Nanih Waiya Attendance Center**

Dear Ms. Day,

I hope this message finds you well. I am writing to provide an overview of our recent telephone conversation on February 3, 2025, regarding the status of the investigation at Nanih Waiya Attendance Center.

During our telephone conversation, it was communicated that the school district is only willing to provide its own investigative report for our review and potentially its policies and procedures. Ms. Day provided verbal confirmation that the school district is completely denying access to DRMS for the remaining four record requests and has not given a clear answer on the school providing its policy manual. The school district takes particular issue with our request for a personnel report. While not specified in our telephone conversation as I referred to our access authority statutes and regulations generally, please note that this refusal to provide personnel records is despite the express mention of personnel records in 45 CFR 1326.25(b)(2)(iii) as “individual records to which [DRMS] must have access.”

Ms. Day also mentioned that the district had already investigated the allegations made by the grandmother, but that those allegations were not substantiated. While she acknowledged the statutes and regulations governing our authority to access records beyond the school’s investigation report, she reiterated that the school is only willing to provide the investigation report, which is one of six records we originally requested.

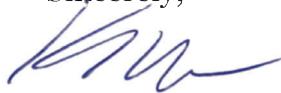
Ms. Day expressed hope that we could reach an understanding regarding the records to be accessed for the investigation, and mentioned the possibility of narrowing the scope of our inquiry. I clarified that due to our federal mandate, we are unable to conduct a partial investigation in cases of reported abuse such as this one and that we are entitled to access records beyond the school district’s own internal investigation. Ms. Day acknowledged this mandate.

I further communicated my desire to resolve this matter quickly and to facilitate the school's cooperation. I explained that completing the investigation efficiently would be in the school district's best interest, as it would avoid potential delays, including the possibility of an access suit. Unfortunately, I did not receive a response to this point.

To sum up our actions to date, we have sent two formal letters requesting records and notifying the school of our investigation (January 7, 2025, and January 23, 2025). Additionally, our emails and telephone calls to the school have received no response. As of today, we have not received any records from the district, nor have we received any communication from the school district addressing our requests.

Given these circumstances, we must consider these actions as a denial of access to the requested records. We remain committed to ensuring that the investigation proceeds in full compliance with the applicable laws and regulations. Additionally, we hope that we can come to a resolution promptly and avoid the need for further action. Please do not hesitate to contact me should you wish to discuss this matter further.

Sincerely,



Keren Welch